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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/753,340	12/29/2000	Eric W. Parsons	61473 0269984	8401

7590 05/09/2003

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EXAMINER

NGUYEN, QUYNH H

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 05/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/753,340

Applicant(s)

PARSONS ET AL.

Examiner

Quynh H Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, 4, 18, 20, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Jain et al. (U.S. Patent 6,104,799).

Regarding claims 1 and 18, Jain et al. teach the steps of: maintaining presence information specifying one of a plurality of presence contexts (“where the customer can be reached” - Abstract, lines 1-22); maintaining a presence context profile specifying a plurality of communication options for the plurality of presence contexts for the user (col. 1, lines 54-63); and controlling communications with the user in accordance with the maintained presence information and presence context profile (col. 1, lines 26-42 and col. 2, lines 5-15).

Regarding claims 3, 4, 20, and 21, Jain et al. teach the communications include a plurality of phone devices for receiving the telephone calls (“telephone, wireless phone, etc...”) and a plurality of text devices for receiving the text messages (“pager, voice mailbox”).

Claim 35 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Jain et al. teach a communication system adapted to provide communications among a plurality of communication devices, for example, the user may use a telephone or wireless phone to check messages in the voice mailbox.

*Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 2, 5-7, 10, 13-15, 19, 22-24, 27, 30-32, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jain et al. (U.S. Patent 6,104,799) in view of Bamburak (U.S. Patent 5,197,092).

Regarding claims 2, 13, 19, and 30, Jain et al. do not teach maintaining device availability information for the user.

Bamburak teaches when a device ("personal communicator such as a cellular telephone") is turned on/activated; the particular telephone number is obtained at the personal communications network so that the call forwarding is provided for that specific location (col. 4, lines 6-13) reads on claimed maintaining device availability information for the user.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of maintaining device availability information for the user, as taught by Bamburak, in Jain's system in order to reduce the time that takes to reach him.

Claims 5 and 22 are rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Jain et al. teach receiving an incoming call to the user (col. 2, lines 3-4); determining a current presence context of the user (col. 2, lines 5-15).

Jain et al. do not teach forwarding a communication associated with the incoming call to the user in accordance with the context profile.

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Bamburak teaches forwarding a communication associated with the incoming call to the user (col. 3, lines 17-24).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of forwarding a communication associated with the incoming call to the user, as taught by Bamburak, in Jain's system in order to have a complete system.

Regarding claims 6, 7, 23, and 24, Jain et al. do not teach presenting certain of the communication options to a caller associated with the incoming call; wherein the communication options includes ringing a phone associated with the user causing the incoming call to be directed and canceling the presenting step if the incoming call is answered.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of presenting certain of the communication options to a caller associated with the incoming call; wherein the communication options includes ringing a phone associated with the user causing the incoming call to be directed and canceling the presenting step if the incoming call is answered, in Jain's system in order to allow caller's interaction with predefined set up database.

Regarding claims 10 and 27, Jain et al. teach the user can specify a sequence of telephone numbers, the first alternate telephone number in the call sequence be the last number the customer was reached, which is stored in a database, or the customer can specify that during certain hours, the first alternate number in the call sequence be the business telephone (col. 1, lines 26-42) reads on claimed "retrieving information concerning a second telephone associated

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with the user from the determined context profile; and causing the incoming call to be directed to the second phone instead of the first phone”.

Regarding claims 14 and 31, Jain et al. teach storing presence information associated with the user (“NCP database” - col. 2, lines 1-16); updating the stored presence information (col. 2, lines 31-34). However, Jain et al. do not teach receiving a notification of a change of a presence context of the user.

Bamburak teaches if the personal communicator is in an “off”/changed condition, the receiving station will be notified reads on claimed limitation “receiving a notification of a change of a presence context of the user”.

Regarding claims 15 and 32, Jain et al. suggest a voice mailbox, pager for handling of text messages. However, Jain et al. do not suggest the steps of retrieving a text message associated with the incoming call and sending the text message to the text-messaging device. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the above mention features in Jain’s system in order to have a better system.

Claim 38 is rejected for the same reasons as discussed above with respect to claims 21 and 22.

5. Claims 11, 12, 16, 17, 25, 26, 28, 29, 33, 34, 36, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jain et al. (U.S. Patent 6,104,799) in view of Bamburak (U.S. Patent 5,197,092) and further in view of Rogers et al. (U.S. Patent 5,946,386).

Regarding claims 11, 12, 16, 25, 26, 28, 29, 33, 36, and 37 Jain et al. do not suggest the communication system is comprised of a PBX and the phone is part of the PBX, and the phone is coupled to the PBX by the PSTN.

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Rogers et al. teach a Call Management System that controls calls provided through a user workstation, the PSTN with voice 118 and PBX (Fig. 1 and col. 7, lines 5-22).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of having a PBX and the phone is part of the PBX, and the phone is coupled to the PBX by the PSTN, as taught by Rogers, in Jain's system in order to a wide variety to communications network.

Regarding claims 17 and 34 Jain et al. do not suggest the step of causing the text message to be sent to the messaging device includes the step of communicating with a wireless operator associated with the text-messaging device.

Rogers et al. teach the text message to be sent to the messaging device ("Fax") includes the step of communicating with a wireless operator ("work-at-home user" - Fig. 1 and col. 6, lines 44-62).

56. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 703-305-5451. The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

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qhn

Quynh H. Nguyen

May 2, 2003

  
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